P.F. 7895

G. R. S. IX-5]

Previous references. 1893-94

192 .

(L.R.)

File No. 12893

Serial Nos. 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Major ~~Part~~ B for July 1895

SUBJECT.

Appeal of Umaiya regarding a certain building site at Kasela Chamagiri

---

WD 2238—GPP—20,000—14-6-26

Counter noted

41.

Petition No 1253 1853 Sept 4
79

Petr Vernaza

The appeal which is to be
in the Chancery Injunction
The Petr claimed it as his
& was building a cotton shed
upon it - One Chandappa
having ~~encroached~~ urged that
it was Govt site, there was
enquiry & the Munt Board
held that the site belonged to
Petr Vernaza - On the representation
of Chandappa the Commr
has ordered the Resolution of the
Board & ordered that the site
should be treated as Govt property
The Petr has appealed against
this order -

In addition the Petr
Vernaza has produced a
letter from Secretary to Govt
Mr Stokes dated 1st October
1851 addressed to Petr
stating that the Govt
will resign site "
is not clear whether the site

2

was considered a privilege
to Municipal life. I
the latter, as first established
& be admitted to the
Council.

Read 2d & 3d Jan.
Letter to Lord Hawkesbury
Copy
Notices prepared.
5/6.

Read & the 1st Jan.

28/5

Consult the 1st
Consular State
Papers
WMB
30/5/95

Read 6 the 1st Jan.

31/5

If the 2d or 3d
Band Lancers it must
on the 1st Inst — The
action of the 5th Jan
was stopped

Then after Vesey
by an Inspection of the
city, how was it
stopped Answer. If not
how upon what grounds
he was left to go to
Calcutta his right

In part the Com
by the 2 Brigades
Council the actions

Relative to
Mr Cox's Case
the Case to be sent

2/7/95 WMB

3 (2)

A. S. No 79 of 93-94.

Petitioner:— Veerayah
of
Kasaba Channagiri
Shimoga District.

Subject

Appeals against the order of the Dy: Comr setting aside the petitioner's right to a house site in Channagiri Kasaba.

Note:— The accompanying sketch shows the relative positions of the disputed site and the surrounding houses &c.

The facts of the case are:—

On 16-6-90, one

showing that from 1870 to 1872 no mention of the site was made in the accounts, that from 1873 to 1882 it was entered as a Sirkar Bazar and that from 1882 to 1889 as a Bazar belonging to Javalli ~~Vaasad~~ Nagappa, father of the appellant Veerayah

3. On this the Sheikdar was asked to examine the witnesses of both Veerayah and Chandappa and to submit a report on the matter. The marginally noted six persons were examined. The first two said that while going about in the town as watchmen they often found the people

× 25-8-90.

D
Sanna Yimam Sabi (police peon)

Bhimanayaka (police peon)

Belluri Siddappa

Mana Setti Channappa

Hajam Mahadeva son of Mallappa. The person referred to in para 7 is not this Mahadeva

6 Bheemanagowda, late Shanbhoug.

of Veerayah's family
throwing rubbish (8 ½) ||
on the disputed spot and got
it removed by them. The
3rd ", 4th " & the 5th " ~~[illegible]~~
said that they Knew that
the site belonged to Veerayah.
The 6th " ~~[illegible]~~ Bheema-
-sunabRao, the shanbhoog
of the town till 2 or 3 years before this time
~~back~~, stated that the sites
named in the Khanishmari
accounts as "Sidlinga Banzar"
and as "Javalli Nagappa's Banzar"
were respectively the site
occupied by Halladi Mahadevappa's ×
(Son of Sivalingaya) house
M and that marked H to the
west of the path E G, that
the disputed site B standing
between those two sites M & H
had been used by Javalli-

× Not the 5th witness
Mahadevayah abo
referred to.

Honnebagi Chenddappa of Chennagiri sent in a petition to the president of the town Municipality complaining that the appellant Veerayah had been unauthorisedly building a coach-shed on a site B belonging to Govt and requesting that it might either be sold in auction or given to him (Chenddappa) for an upset price of Rs 10.

2. The Shanbhoag* was asked* to report whether anything was stated about the possession of the site in the Khanishmari accounts of the previous years. He submitted* a statement

* Ven Kuttadappa
× 16-7-90
F 70 2
× 25-7-90

- Nagappa for keeping his cattle and for drying dung-cakes ( ) and had never been entered in the Khanishmari accounts.

The complainant Honnebagi Chandappa was also examined. He stated that the Site belonged to Gr, that the evidence given by the above six persons was false and was brought about by Veerayah who was the head of a party in the town. The Sheikdar in submitting the above statements reported that Honnebagi Chandappa, referring to a sale deed executed when one Uddandappa (since deceased) sold to — Mahadevappa the house M stated that in the sale deed

× 16-11-90.

× Son of Sivalingayah & the purchaser of M

the western boundary of
the site sold was given
as Sirkar Banzar ⊕, that
that Sirkar Banzar was
no other than the disputed
site B & that the document
was signed by Veerayah
and duly registered. The
Shirastar also expressed as
his opinion that the site
belonged to Veerayah and that
the dispute about it was
due to the circumstances that
Veerayah and Hanmabagi
Chandappa were not on
good terms with each other.

4. The subject was
considered in the Talook
Municipal Board meeting
on the 21-3-914. the
following order was passed:—

The disputed site is within
the plinth belonging Veerayah's house.

⊕ Note:— In the documents here
in referred to, the western
D. No 25 boundary is given as
a path leading to
Carpenters' — street (now called
Gandhi St)
and not as Sirkar Banzar.
The shirastar did not examine
the document but simply
reported the statement made
by Hanmabagi Chandappa.

Veerayah's people have been accumulating rubbish there & were even fined for it once. Siddingapa, Sellara channa-ppa and Mahadevappa* also state that the site belongs to Veerayah. Jj Imam Sabi and Bhimanayaka state that the people of Veerayah used to accumulate rubbish there. After the year 1883 the site is entered in the name of Veerayah in the Thanish-mari accounts. The (late) Shanbhog states that it was not so entered before 83 simply because it was not customary there to do so. As to the statement made by Chandrappa Hommbagi - ~~Hommbagi~~ that Veerayah had signed

* Son of Mallappa & not the purchaser of M.

+ Bheemaseneshas.

the Sale-deed executed by
Uddandapha to [illegible]
Mahadevappa* Veerapala
says that he signed in
without minutely examining its
contents. It is usual that
witnesses do not examine
whether the boundaries in
such documents are correctly
given. Hence there are no
reasons to believe that the
Site belongs to Gr.

* Son of Sivalingayah
purchaser of M.

Note:- The Sale-deed was
not examined in the
Municipal Board meeting
also. The statement of Honnebagi
Chandappa that the western
boundary of the site M was
given as "Sirkar Bangar" in
the deed was assumed to be
true.

5. On the 30th March 91
Honnebagi Chandappa put
in a petition to the Dy: Comr.

complaining that the Amaldar and the other Municipal members were partial to Veerayah who was himself a Municipal member and that the Board after examining only 3 or 4 witnesses of Veerayah had hurriedly resolved that the site should be given to him. Honnebagi Chendrappa, also appeared before the Dy: Comr: and stated that the Board settled ~~dispute had~~ the dispute without ~~[illegible]~~ examining the sale deed executed by Uddandappa to Mahadevappa, that the site entered in the Khanishmari accounts as "Banjar belonging to Jivalli Nagappa" was not the disputed ~~the~~ site B but was the site A bought by him in auction about 7 or 8 years back from which time it had been entered in

East to West measurement of 14½ yards entered in the sale-deed was a hand mistake for 24½ yards. He also stated that Veerayah had not been accumulating rubbish rubbish on the disputed site B after the date of the above document ——.

The then Shanbhoog Venkata-
-dasappa's statement:—

He said that he was not certain as to which of the two sites B or H was the one referred to as "Javalli Nagappa's Bangar" in the Khanishmari accounts.

Veerappanna the owner of the house N. states.

I know that rubbish used to be accumulated on the disputed site B. The site may be Veerayah's.

1=207

owner of the house P.

The disputed site was used for accumulating rubbish. I do not know who were accumulating it. (again he says) The people of Veerayah were accumulating it.

Ranga's statement:—

I know that Veerayah's wife and servants were throwing on the disputed site B, dung to be brought from the cattle shed of their house C.

Fl. 8

The statement of Honnebaji Chandappa :— the complainant. stated.

The three persons — Veebhoothi Chandappa, the owner of the house Q, Muniyappa an old man residing near the disputed site, and Nayanna should be examined.

Veebhoothi Chandappa :—The owner of the house Q :— stated I do not know that Veerayah's people were accumulating

the accounts as "Bangar belonging to Jawalli Nagappa" belonging, that the late Shanbhoog Bhemmaseme Rao too had stated that the site B had not been as yet entered in the Khasrah-hani accounts, & that the disputed site could not be Jawalli Nagappa's as the decided by the Board as there was no doubt at all to Jawalli Nagappa's house towards the disputed site.

The Dy: Com: called for the report of the Amaldar (with a sketch of the locality containing the disputed site.)

6. On 11-7-91 the Amaldar held an enquiry near the disputed site and took the following statements:-

Abstract of statements.

Malleshappa's statement:- +

He said that the disputed site was included in the site sold to him by Siddanagappa, that the

+ Son of Sivalingappa and the purchaser of the house M.

rubbish on the disputed site. They were throwing the rubbish near the disputed site and were afterwards removing it to a different place.

Murugappa – Aged 60 years.

Ever since I attained the age of discretion I know that Veerayah's people were accumulating rubbish on the disputed site.

Nagappa Aged 62 years.

Ever since I attained the age of discretion I know that Veerayah's people were accumulating rubbish on the disputed site.

Sivanallappa – who wrote the sale-deed executed from Uddandapha to Mahadevappa

I wrote the document. The measurements of 14½ yards East to West and

sold from Lingandappa to
Mahadevappa was given
as 14½ yards in the Sale-deed
and that that measurement
did not include any portion of

B.

(2) That the western boundary
of the site M was given
in the sale deed as the path
leading to Carpenter's street
and that if B had really been
a Sirkar Bauzar it would
have been given as the
western boundary in place of
the path referred to.

(3) that the site bought by
Veerayah in 1878 was not
the site H as stated by the
complainant Chandappa
but was the one marked A.

(4) that the late Shambhoog
Bheemanna Rao stated that
the disputed site B had been
in the enjoyment of Veerayah
and that the site entered as

Javalli Nayappa's in the
Khanish Mari accounts
was a different one.

(5) that in the sale deed by
which Veerayah obtained
the house & the statements
that the East to West
measurement of the house
was 60 feet & up to C and
that the Western boundary
of it was Barber's street show
that the disputed site B
was included in the
measurements

(6) that the residents of the
neighbouring houses stated that
the people of Veerayah were
accumulating rubbish
on the disputed site

(7) that even the marginally
noted witness of Chandappa
stated that the people of Veerayah
used to accumulate rubbish
on the disputed site A.

(8) that the path ~~L K~~ shown
in the sketch was not

(1) Vaibhothi Chandappa
(2) Murugappa
(3) Nagamma.

10 yards North to South were
entered in the documents
as measured before me
and as affirmed of by the
panchayatdars.

The statement of Jawalli
Veerayah - the appellant.

The measurements
given in the sale deed by
which I bought the house
& I from a Vagesabba show
that the disputed site is
included within the house
there by sold. Myself and
the complainant Chandrappa
are not on good terms as shown by
by the copies of the judgment
produced by me. Hence his
complaint for my site.

7. With the above statements
the Amaldar submitted his
report to the Dy: Comr bringing
to his notice the following facts:-

(1) That at the East to West
measurement of the site N

for carriages but was only for people for which purpose it was spacious enough.

(9) that the present disputed site was too small for the construction of a house & the dispute about it was occasioned by the ill feeling between Veerayah and Chandappa.

8 On the receipt of the above correspondence the Dy: Comr ordered that he would shortly go to Chamrajpet and the matter should be then brought to his notice, so that he may personally inspect the site and pass the necessary orders.

9. The Dy: Comr inspected the site on 20-12-91. Meanwhile, the purchaser of the house M

× 24-8-91.

who was also asked as to why
he did not say anything
about this petitioner's rights
at the time of the inspection.
The Amaldar replied that
this Thakrar had not been
as yet brought to him and
that the house, on the site
referred to by the petitioner,
was found to occupy even
greater area than that
stated in the sale deed.

11. On 28-10-92 the
Dy: Collr. passed the
following order:—

"When I inspected the
site I did not know that the
owners of neighbouring
houses had Thakrat
for the disposal of the
disputed site and consequently
I thought of giving it to

Veerayah. As it is seen from Imahadeva's sale deed that the disputed site is not included in the site there by sold, it cannot be concluded that the site belongs to Imahadeva. Veerayah has not produced any document to prove that the site belongs to him. On the sole ground that he was accumulating rubbish on it (a bunyan near his house) it cannot be concluded that he is the Hukdar for it. It is plain that the site belongs to Government. It is common that people get Sirkar lands entered in their names in the Khanishmari accounts without any enquiry being held. The disputed site is located on the road side and in a corner between the houses of Veerayah and Imahadevappa and is

was not present at the time
of the inspection. 20 The same
day, after the inspection, he
sent in a petition to the Dy.
Comr. stating that the disputed
site B had been included
within the boundaries of the
site sold to him by Sivasankaran
as per sale deed already referred
to, that Chandrappa, at
the instigation of Veerayah
had applied for the site,
that as he (Muthuswamy)
was in great need of it
and was also the occupant
of the house adjoining to it,
it might either be given
to him in consideration of
his Haq to it as per sale
deed or be at least given to him
on payment of any price if
his Haq could not be disposed
of.

10. The Dy: Comr. referred
the petition to the Amaldar

not suited for a building.
Therefore it should be
according to mamool Rapth
as Bazaar and the ~~accumulation~~
accumulation of any
rubbish and it should be
prevented. If Veerayah
is resolved to erect a
house on the site he
should produce within 4
months a Court decree to
the effect that it belongs
to him. It will then be
considered according to
Municipal rules whether
the construction of a
building on it should
be permitted or not"

This is the order now
appealed against.

12. On 31-7-93
Mahadevappa, Merchant

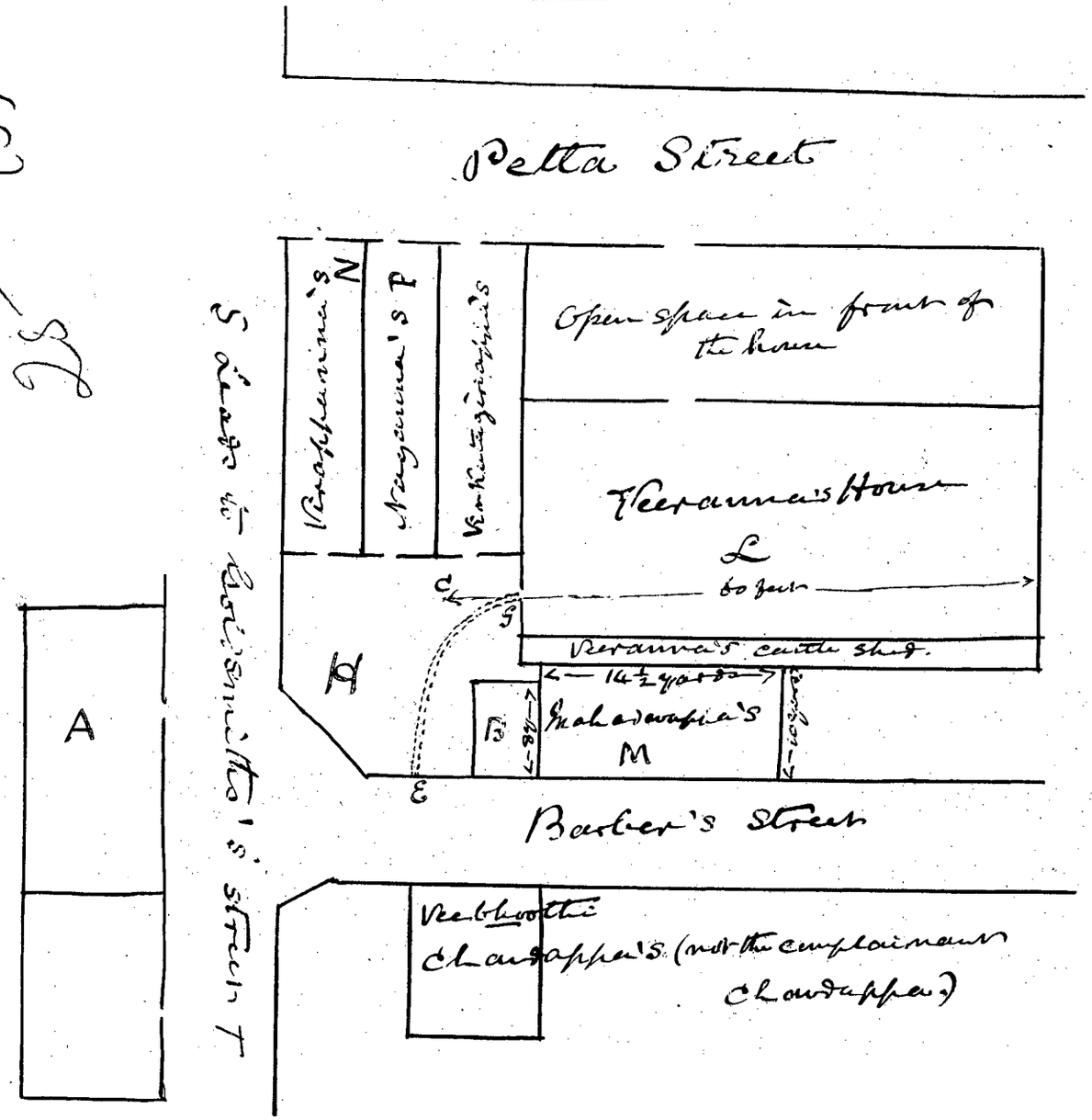
of the house No 11 sent in
another petition to the Dy.
Comr: stating that Veerayah
did not establish his claims
for the site as directed by
the Dy: Comr., that ~~in was~~ it was ~~as it was too small for a~~
included in the site sold to
him by Hadi and after, that as
it was also too small for an independent building
it might at least be given
to him on payment of any
price so that he may
add it to his adjoining house

M.

M Ramarao
25-5-95

Sketch

(3)



Notes

B, the disputed site

M, the house belonging to Shahadevappa to whom it was sold from Hoovandappa as per sale deed in the file

L. the house belonging to Veerayah, the appellant

H – Also the site belonging to Veerayah

E G, the patt leading from the back door of Veeranna's house to Barber's street.

This is the patt given as the western boundary of the site M when it was sold from Hoovandappa to Shahadevappa as per sale deed.

Dispute.

Veerayah, the owner of the house L says that the site B belongs to him.

Honnabagi Chandappa, the complainant says that it belongs to Govt & prays that it might be given to him on payment of any price

Dy: Coll's decision

The site belongs to Govt & should be left as Banzar

(General Serial No. 32.) (1) (7)

189 2B

No. 1285

Name of Petitioner. Kerali

Village. Chinnagere

Taluk. Do L.R. 125-93-1

District. Shimoga

Date of Arri. 17-11-93

Date of Receipt. 22-11-93

Date of Disposal.

No. of Enclosures. two

Strange official-

This appeal which is a case out within the limits of the Municipality was filed on 28-10-93 the A.C. considered that appellant ought to be evicted and ordered accordingly, pronounced a decree after some of the persons in occupation - Whilst contends that the A.C. order is opposed to a Resolution of the Municipal Board who were satisfied that no one enjoyed the site. A copy of the Resolution is annexed.

The appeal is out of time but appellant explains that the decision was communicated to him by the Municipal authorities only on 5th July 1893 and that he has four months time from that date. Four months time from the date of the decree was necessary for preferring this appeal - if that communication was sent on 5th July 1893 the appeal is barred.

Submitted for orders.

Admit & Call for
as to order of D.C.
Why case is not appealable
illegal, necessary
Municipality has made
No doubt will
advise.
Case for Dist Court
Def
22/11/93

ABSTRACT.

Appeal against the Deputy Commissioner's order No. 453, dated 28-10-93, on the ground that the house-site, which the Dy. Commr. decided to belong to the Govt., is his own for the following reasons;

(1) That he was enjoying the said house-site for a very long time & that attempts were made to assess, through

Pet / 936 / Stat / 9-1-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

L.R. 128-93-2

The accompanying Petition No. 1383
dated 17th November 93 received at the
Dewan's Office from Viraiya son of
Javali Nafappa, of Kasaba
Channagiri appealing against
the order of the Deputy-Commr.
of Shimoga, No 4539 28. 10. 92,
regarding Petitioner's right to a
vacant site in Channagiri
is forwarded, together with its two
enclosures, to the Deputy-Commr,
Shimoga District, for submission
of the proceedings with a
report on the facts of the
case and on the points
urged in the petition
2. The petition with its enclosures
should be returned.

By Order,

Draft (Council order) 28/12

for Chief Secretary.

BANGALORE, 22nd Dec 1893 9/1/94

27/12

M. G. C. P. Bangalore.—21-11-92—3,000.

zid" applied for the same, when
the Municipality Board decided
that the site belonged to him (Petr)
+ the Deputy Commissioner abs
enenting to the decision, ordered it
to stay further proceedings;
+(2) that the Deputy Commissioner
denied that the site belongs to him (Petr)
on the grounds that he not included
in the document of Barbee Malabar,
+ that he (Petr) does not possessing
written statement to prove that it is his
own, + that it is custom that every
body tries to have the neighbouring
Govt waste-lands entered either
even in the Mamoolee list;
but the Deputy Commissioners
grounds are not well founded, as
the said Barbe Malabar is a
new neighbour, + that to be reside
in a house at a distance of ½ furlong + that he is a farmer of Govt land
as every the majority do not possess written
statements or documents to prove
their right to their lands etc, + as
the Govt officials do not inter
fere in the Mamoolee
list if they do not really belong
to the persons therein named.
III. + (3) that the site is of a very small extent + no use to Govt, + therefore it is necessary that the
application should be allowed

Sold to Counsel
29/12

(General Serial No. 30) (3)-29 (4)
1894

From The Dy. Commissioner,
Shimoga District

L.R. 125-93-3

To

The Chief Secretary to the Dewan
of Mysore.

Dated 20th December 93

Despatched

Received

Enclosures No. 3 with Record

General No. 452
No. 352

With reference to his Official Memo. Pol. & Gen. 980 dated 22nd December last, forwards a Memo. of the facts of the case with the entire proceedings in reference to the petition from Nanjaya of Hadda Shimoga.

Read 29/12/93

From

The Dy Commissioner,

Nimoya District.

To

The Chief Secretary to the

Govt of Ceylon.

Dated 26th November, 1902.

No. 452/352 Encl - 3 petitions

I beg to forward herewith (1) the petition dated 22nd December last, praying a pension from Government of Mrs. Emmanuel for maintenance of proceedings until a report on the facts of the case.

In returning the petition with enclosures received with the above, I have the honor to forward a memo of the facts of the case with the main proceedings relating thereto.

Asst Commissioner

for Dy Commissioner.

Memo regarding a building site disputed by Pedrinha, on a Canal Magazine of Ponta Delgada.

On the 11th June, a Mr Chamagne, Clerk of Chamagne, sat on a petition before the Municipal of Chamagne, stating that Pedrinha Pedrinha had unauthorizedly raised a wall upon the Government building site situated close by the Municipal wall of the same belonging to Ponta Delgada in the Canal Street, with the object of erecting a coach shed thereon that the wall was stopped at the instance of the Municipal Municipal and that he (Petitioner) wanted purchase the site of that up to public auction.

2. On reference to the Municipal Summary accounts, the Municipal found no satisfactory information

and

the Amildar and the Mamlatdar) Members were fortified by Vithaya who beside being a Kadava Kunbi of Dharwar, was also a Municipal Member.

7. The petition was referred to the Vice Chairman for enquiry, who after hearing the petitioner in person withheld his previous order, directed further enquiries being made in the manner and a plan of the site in question prepared with all its surroundings and the sale deeds of the house produced by Mahadevaya and Vithaya produced.

8. There is no reason to believe that Subbandagiha committed a mistake in defining the boundaries as recorded by him in the document and that Vithaya) altered it

Unnecessarily.

said before the said Municipal
Board sitting on the 2nd March,
and the Board after hearing
and, in evidence and upon perusing
the said deed minuted B, are of
opinion that it is not unusual for
parties to alter documents without
verifying the alterations; that
there must have been such misrepresentation
on the part of Veerayya in the case
under reference; and that the site
belonged to Veerayya.

5. The Vice President, in summing the
proceedings had been submitted
inadvertently passed over observing
the decision of the Board.

6. After the 2nd March, the
Chairman again fixed a petition
before the Deputy Commissioner
stating among other facts, that
the

and subsequently called upon the Arbitrator to convince the matter and submit a report in detail.

5. The Arbitrator recorded that the Counter Statement of same person, Venugopal, and produced documentary evidence towards establishing his right to the land; that in the year 1854, Adhadappa purchased from one Addamadappa (since deceased), the house adjoining the said in question and lying to the western side of it; that the common boundary of the house in question in the said deed reading thereto, was the disputed land mentioned therein as the "Oorina Land" and that Venugopal the petitioner, has erected the said deed as a witness and the document duly registered.

6. The project was subsequently laid

21.

35

presumably.

5. The only document produced by Mr. Ramayya relates to the house and said-to-be, therein, the cause the plaintiff complained. But a glance at the sketch plan of the said filed with the immediate heads will show that the disputed pit is a distinct pit of ground and unconnected with the premises referred to in the document.

6. The pit is not included in the dimensions of the land given in the document.

7. After inspecting the site in person, the Deputy Commissioner sought confirmation of the survey as there was no extra plan of the adjoining land given.

8. As the pit is not included in

the

Vide Bain vs. Lt. Governor of Trinidad

document of Agreement Exhibited, is
Counterpart, said that it belongs
to him.

5. Witness has not produced
any documentary Evidence, & saith
that the Title belongs to him.

6. Counterpart, concerning that
Witness has a Claim to the
Land lying next to the Tenement
house in the Ground of this
Accumulating, saith that

7. & Claim that the Land
belongs to Tenement. & is
not an Encumbrance thereof
except that Tenement was
entered in Error, owner in the
Name Edward Accounts before
any enquiry is made

8. The Title, Ingredients is situated
in the parish, & is Copyhold
Lands the Name of Lord
Manor of Hatfield Barnes.

and

and is not expended, [illegible] to such
any business else, according to
the Deputy Commissary directed
that a Board do sit upon
according to Warrant: no Evidence
being related to the Crimes alle-
ged against [illegible] a Board
upon enquiry & time on the said
he should return to Quarters
to the effect that the said charges
to him and produce at [illegible]
Deputy Commissary within a Month
thereafter the Board [illegible] enter-
ing into the said [illegible] to
further and [illegible] to such
[illegible] and that a [illegible] officer should
be given [illegible] according.

Examined

[illegible]
[illegible]

(7)

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 13533
DATE 22-11-99

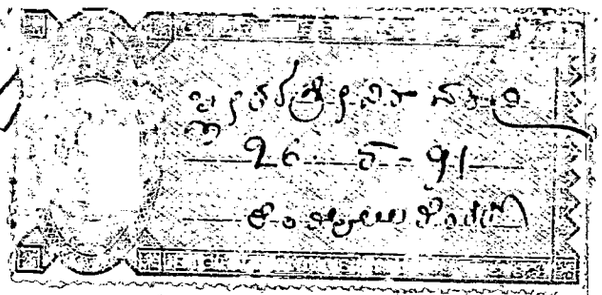
A.S. No 79

ಸಾಕ್ಷಿದಾರರ ಸಹಿ ಪೂರ್ಣ

ಅನುಬಂಧ-೧

ಅನುಬಂಧ-೨

ಅನುಬಂಧ-೩



(10)

In the Court of the 1st Asst Commr & 1st Class Magistrate Shimoga District

Criminal case no 46 of 91.

Dated 25th May 1991

Present: Sri. N. Ramachandrappa, M.A., LL.B.

Complainant	Accused
Chandappa	1. Veerappa
	2. Sivalingiah

Order

The complaint is that the accused used insulting language against him.

2. For the complainant Chandappa, Govindappa & Siddaiah Basappa are examined.

3. The accused are not examined.

4. The Complainant's account does not tally with that of either of his witnesses. He states that when he and the Amin of the Court (2nd witness) were engaged in attaching the property of one Basappa, the two accused went there and made a row abusing the complainant in foul language. The Amin states that no abusive language was employed, and the 3rd witness states that some angry words were used by both the parties.

The Complainant seems to have
minimised his are and unduly
exaggerated that of the accused
in the affair.

5. The Court finds that no case
has been made out against the
accused and directs that the said
accused Viranna & Sivalingappa
be discharged under Section 253.
Cr. Pro. Code.

25 May 1891

Signed J. H. V. Rangnekar

1st Class Magte

Copy

SHIMOGA
DISTRICT

1st Asst & Comm.
&
1st Cl. Magte

Copy applied for,
by the accused's
pleader 26.5.91

Copy ready for
delivery 2.6.91

Copy delivered on 2-6-91

No of words 206

Copying fee 0-4-6

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0-5-6

Sd/-

Dep.ⁿ Shet

In the Court of the 1st Asst Commr & 1st Class Magte. Shimoga Dt.

Case No 46 of 1891 (111)

Deposition of Chandappa 1st Witness for Pr

Age 49.

Race } Siddar
Religion }

Father's Name. Mallappa

Resident of Chennagiri

Occupation. Cultivator. On Sa.

I had a decree for 40 & odd Rs against one Pr Co- Basappa & then I sent with the Court Amin to seize moveable property in execution of the decree, the debtor's wife said that her husband was away. I told her that the property would be seized if the money were not paid. She said she could do nothing. I sent word to the accused who are the friends of the debtor. They sent reply that they had nothing to do with the matter. The Amin & some others went into the house to carry out the attachment. I produced some vessels that I found in the bath-room. I went inside & got more vessels as the property found was not enough. With some other vessels, which we removed

of the 1st accused when Basappa had completely utilised. The 1st accused got a decree against me & colluding with Basappa executed it against me solely. My suit against Basappa was for contribution of half that amount. Last year, the 1st accused complained against me criminally in my Chelvingair Court — that I had abused him. I was discharged.

The decree-amount was paid that day by Lingadevaru Virappa. He is not related to debtor Basappa.

The 1st accused is a money lender — 10 or 12 years ago, I was fined for having trespassed into cultivated land. I was a Revenue peon in Honnalli & was dismissed for having gone to Shimoga without leave.

No re Sx:

Sd/ H.V.

25/5/51

No of words 308

Copying fee — 12 —

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Paper — 1

9.14.9

Comp'd

ಮಂತ್ರಿ ಅಧಿಕಾರಿ ಮತ್ತು ಸಾಕ್ಷಿಗಳು ಅವರು
ಅಧಿಕಾರಿ - ಸಾಕ್ಷಿ ಮತ್ತು ಅವರು ಸಾಕ್ಷಿಗಳು
ಸಾಕ್ಷಿ ಅಧಿಕಾರಿ. The two accused had
two others with them. They would have
beaten me if the Amin was there.
The accused went away after this saying
that there was a very large crowd
collected there.

Cr. Ex. The Amin came there on the 1st of
May - this took place then. I, the Amin
two Panchayates Nijappa & Basappa
went together - On the way we called two
others who promised to follow.
It was 5.30 or 6 when we went. I saw
Channapur Kariappa & the accused.
The accused came up an hour or so after this
with the two accused there were Santavirappa
& Adavappa also. The others who followed
them were all of the same place. Some were
known to me, some were not. I did not know
who exactly they were. They were all standing
as spectators. The accused are not related
judgment-debtor. It Balaa Basappa had
jointly executed a bond & borrowed 300 Rs

outside the house. Being the legal at the
Amin was making an inventory. The two
accused with 20 or 30 other men turned up
there. The 1st accused asked the Amin
of Gow? He said he was Amin & was
attaching in the presence of defendants
life who (as the panchayatas subjected
Basappa bore out) was inside the
house. The accused said ಅಯ್ಯ ಗೌಡ.
ನೀ. He received it & after reading it
said ಕೆಟ್ಟ. ಕೆಟ್ಟ ಲಂಚ ತಿಂದ ಸೂ. ಕೆಳಗೆ.
He said he could not leave the place unless
the amount was produced. I observed to
1st accused ನೀವು ಗೌಡರ ಹತ್ತಿರ ಲಂಚ
ತೆಗೆದು
He said ನಿಮ್ಮಂಥವರಿಂದ ಲಂಚ
ತೆಗೆದುಕೊಳ್ಳಬೇಕು ನಾವು ಕೆಲಸ ಮಾಡುವುದು
ಕೆಲಸ. ಆ ಕೆಲಸ ಮಾಡಿದ್ದಕ್ಕೆ
ಪಗಾರ ತೆಗೆದುಕೊಳ್ಳಬೇಕು. ಅಲ್ಲವೇ ಕೆಳಗೆ
ಇಲ್ಲದಿದ್ದರೆ ಹೇಗೆ. I said ಗೌಡರಿಂದ ಲಂಚ
ತೆಗೆದುಕೊಳ್ಳಬೇಡಿ. He said ನಾವು ಯಾರಿಂದ
ಲಂಚ ತೆಗೆದುಕೊಳ್ಳಬೇಕು ನೀವು ಹೇಳಿ ಎಂದ
ಹೇಳಿಕೊಳ್ಳಬೇಕು. The 2nd accd said

Depn sheet

In the Court of the Asst Commr &
C. Magte Shimoga Divn

Case No 46 of 1891 (12)

Deposition of Govindappa 2nd witness for pltf

Age 40

Race
Religion } Smartha Brahmen

Father's name Sinappa

Resident of Shimoga

Occupation Amin Municipality (Court Shimoga Dt 9th 8

I went to Channagiri to execute a warrant
of attachment on the goods of one Bala Basapp
at the instance of the Complainant. The Comp
and I went to the debtor's house with three
Punchayates. Of the latter one Lalajappa ca
the deft but we found that he was not a
home. I asked them to demand money of t
debtor's wife. I asked the compt to send
to the debtor's friends if any. The compt. t
some one to some such friend & the messenge
returned half an hour saying that they he
declined to interfere. We went in and some
vessels were shown by the compt. I was sitting
a spell there in the light making an inven
The pltf accd came there and asked me
[illegible] I said I was
An Amin. I did not notice the 2nd a
There were other people also come. The

Dog & Bag of 66. Both parties said they were of
Coorg of 66. The accd then went away. One
Lingadahalli Virappa paid the money. The
goods were returned to the deft's wife & we all
left the place.

There was a large crowd of 100 people or so
there attracted by the row. (By ct). I don't
know why the complainant came to court
although he also abused the party.

I belong to Jamapur 2 leagues from Chelur
Channagiri and had gone to the place for
the fair, it being friday. The 1st accd
said he wd lend the money with Lingada-
halli Virappa & went taking him. The
2nd accd came one Saturday after 1st accd

I did not see 1st accd paying the money Relon
to L. Virappa's hand. The latter did not
say that 1st accd had paid him.

J. D. Rice
25/5/91

No of words 506

Copying fee a-9-a
Comp fees a-2-a
Paper a-1-1
a-12-1

Comp.

Depn sheet

In the Court of the 1st asst Commr & 1st
Cl. Magte Shimoga Dt.

Case no 46 of 1890 51 (13)

Deposition Basappa 3rd Witness for Pl
(Gauda)

Age 50
Race
Religion } Bedar
Father's name Hamplayya
Resident of Jammapur
Occupation Cultivator On. S.

I was present when the Amin was in the house of Basappa for attaching property. Sulapappa & some others were present. The compt said that Javali Happa (1st accd) might perhaps pay up the money & sent word to him. He sent up that he had nothing to do with the matter. When the Amin was making the inventory the 1st accd came & after him the 2nd & 3rd accd asked who he was & the Amin said he was the Amin. The 1st accd said do not be afraid. Accd 2 & 3 said they would not leave the property there & wanted the Amin to be brought. The 1st accd said do not be afraid & do not be afraid. The compt said [illegible] The 1st accd said [illegible] The 2nd accd said [illegible]

asked to see the warrant. I hesitated but Compt said I might show him. The 1st accd seeing it said [illegible] I said I could not save the articles & so that he might get back the money. The Compt said [illegible] The 1st accd said [illegible] The 1st accd [illegible] and went away. Half an hour after the Kingapapa paid the amount. There were 10 or 12 people in all. I did not see the 1st accd here yesterday.

Jno. Cr. Lent

By Court I hesitated to show the warrant to the accd as that was the 1st time I went there and did not know people well. I was not previously acquainted with the 1st accd. I endorsed the inventory that I had received from the attach'd had completed.

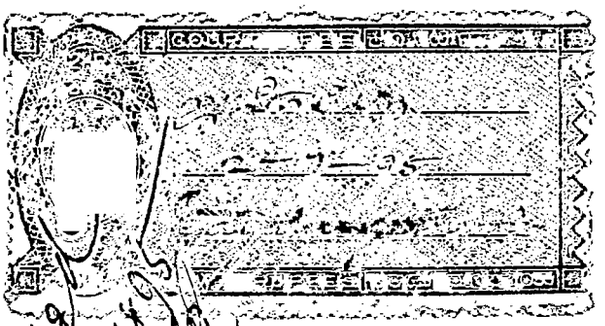
Jd Hon
25/5/91

No of words 572

Copying fees nil

Comp fees 2/-
1/-

Compt



53

In the Supreme Court of Fiji

Between [illegible]

Appellant — Respondent

Plaintiff — Defendant

To

Messrs. [illegible] Solicitors

Advocate

I, Varahiah, the Appellant named above do hereby abandon & withdraw from my Appeal to appear for me & plead on my behalf in the above said matter.

Dated this 2nd July 1895

Witness [illegible]

Accepted

[illegible]

Advocate.

Dy C and A's memo

P. (5) 54

Proceedings of the Govt of Fiji

L. R. 125-93-14

Read:—

(1) Petition No $\frac{1253}{A.S.79}$ dated 17th November 1893 received by Viriniya of Rewa Charging, appealing against the order of the Deputy Commr of Skinaya rejecting Petitioners claim to a building site at Charging

(2) Records received with the Skinaya Deputy Commr's letter No $\frac{45-2}{35-2}$ dated 26th November 93.

—4—

Order thereon — No $\frac{314 \checkmark}{F.7-95}$

26.7.95.

The site in question is close to Petitioners house and was being used by his people and for [illegible] as a Lotoka. It is entered in the Kauvadra records in the Petitioners father's name since 1883. On Petitioners

attempting to build a house
thereon; the Respondent—
complainant
Chandappa pleaded ~~complainant~~
~~complainant~~ saying that the
site belonged to Govt, and
praying that it might be
granted to him or sold by
auction. The Municipal
Board of Channagiri held,
~~for the respondent that~~
~~he was entitled to a grant~~
that the site belonged to
the Petitioner and not to
Government; ~~the Deputy Commr~~
decision was affirmed by
the Vice President. ~~But~~
~~On Appeal by Chandappa~~ but
the Deputy Commr, after some
further enquiry and local
inspection, held that the
site belonged to Government
and that ~~the petitioner~~
~~was not satisfactory~~
~~entitled to the right~~
land. He was directed to grant
the land to Petitioner, but on

reconsideration, states that it should remain in force. The Petitioner appealed against this order

2. At the hearing, the Petitioner was represented by Mr. Vaidyanatha Iyer, Advocate. Chandrappa did not appear though he was served with notice on 15th June 95.

3 [illegible] Petitioner that [illegible] and are of opinion that [illegible] the Petitioner applied for the said Licence

to the Deputy Commissioner Bellary with letter dt 6.7.95

Dy Supdt Commissioner

6.7.95

Revenue Secretary

(4) 55

నంబర్ 1383 A.S.79

L.R. 128-93-5

శ్రీ జూనూదివాడి కైఫియ్యత్ లు

చిన్నగరి కైఫీయత్ చేయడమైనది. చిన్నగరి నాగళ్ళపల్లి మాగాణి

విక్రయించుటకై ఇండాకుమ్ చేస్తాం —

చిన్నగరి కైఫీయత్ చేయడమైనది. ఆజిజ్ బాషా వద్ద కొనియుండుటచేత

చిన్నగరి కైఫీయత్ చేయడమైనది. ఆజిజ్ బాషా వద్ద కొనియుండుటచేత

ఇందు నిమిత్తమై ఆజిజ్ బాషా కొన్నటువంటి విషయంలో

శివపేటలో రిజిస్ట్రేషన్ డిపార్ట్‌మెంట్ లో 28-10-92

నాడు కాబట్టి నాల్గు మాసాలలో కొనుగోలు చేసిన ఆజిజ్ బాషా

ఇవ్వడమైనది 17-11-93 నాడు కాబట్టి నాలుగు ఆజిజ్ బాషా

లేవనియున్నది

~~కొనుగోలు చేసిన కొనుగోలు~~

పై పరిస్థితిలో ఆజిజ్ బాషా కొన్నటువంటి

ఆజిజ్ బాషా నుండి కొనుగోలు చేసిన ~~కొనుగోలు~~ మా

కొనుగోలు చేసిన కొనుగోలు చేసిన కొనుగోలు

కొనుగోలు పత్రాలు పరిశీలించి చూడగలరు - ఆజిజ్ మంజూరు అయిన తర్వాత

వాపస్ ఇవ్వబడును

తేదీ 21-7-95.

Rajagopalan

Advocate

Nellore

ఆజిజ్ బాషా కొనుగోలు చేసిన కొనుగోలు - మా కొనుగోలు

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